

of Indianapolis, Indiana (said plans and specifications as approved by the Stream Pollution Control Board of the State of Indiana on September 27, 1978 incorporated as a part therein) including all change orders to said plans and specifications up to final acceptance of the Facilities Constructed by the City of Lebanon.

2.2 "Federal Grant and Environmental Protection Agency (EPA) Project No. C180613-03" shall mean a Federal Grant in the amount of \$1,988,028 awarded to the City of Lebanon, Indiana, under EPA Project No. C180613-03, for application on the cost of constructing eligible portions of a collection system, wastewater treatment plant and supportive non-construction costs.

2.3 "User Classes" - Each recipient of municipal wastewater treatment services shall be either in the industrial class or the non-industrial class. The Industrial Class shall include:

- (a) Any non-governmental, non-residential user which discharges more than the equivalent of 25,000 gallons per day of sanitary wastes and which is identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary Services; and Division I - Services.
 - (1) In determining the amount of a user's discharge for purposes of industrial cost recovery, domestic wastes or discharges from sanitary conveniences shall be excluded.
 - (2) After applying the sanitary waste exclusion in sub paragraph (1) of this paragraph, dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users which has the strength of 210 mg/l of BOD and 240 mg/l of SS.
- (b) Any non-governmental user which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the treatment works, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works. The Non-Industrial Class shall include all domestic and governmental users and those industrial, commercial and institutional users whose wastes do not meet the criteria for industrial users as stated above and as determined by the Utility Service Board.

2.4 "Recovery Period" shall mean that period of time during which the Federal Grant amount, awarded to the City of Lebanon, Indiana under EPA Project No. C180613-03 allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works; and said Recovery Period for EPA Project No. C180613-03 is hereby set at 30 years commencing one year after the final project inspection and approval by E.P.A.

2.5 "Recovered Amounts" shall mean the Federal Grant amounts, awarded to the City of Lebanon, Indiana under EPA Project No. C180613-03, allocable to the treatment of wastes from industrial users and which must be recovered from such users by the City of Lebanon during the Recovery period.

2.6 "Retained Amounts" shall mean 50 percent of recovered amounts of EPA Project No. C180613-03 to be retained by the City of Lebanon and used as follows:

2.6A "Trust Funds" - 80 percent of retained amounts including any interest earned thereon shall be placed in a bank account separate and apart from all other City funds and shall be used by the City of Lebanon solely for eligible costs of future reconstruction and expansion of treatment works, and no amount of the Trust Funds shall be expended by the City of Lebanon without prior written approval of the Regional Administrator, Region V, Environmental Protection Agency.

2.6B "Discretionary Funds" - 20 percent of retained amounts, including any interest earned thereon, may be used by the City of Lebanon in any manner and for any purpose deemed necessary by the Utility service Board.

2.7 "Payments to the U.S. Treasury" - the City of Lebanon shall, at least once per year, pay to the U.S. Treasury an amount equal to the remaining 50 percent of recovered amounts together with all interest earned thereon.

SECTION 3 - INDUSTRIAL COST RECOVERY SYSTEM

3.1 Facilities constructed under EPA Project No. C180613-03 shall be defined particularly by the plans and specifications prepared for this project by Clyde E. Williams & Associates, Inc., Engineers of Indianapolis, Indiana, as approved by the Stream Pollution Control Board of the State of Indiana on September 27, 1978, which are made a part of this Ordinance by reference, together with any change orders thereto up to final acceptance of this project by the City of Lebanon. Facilities constructed under EPA Project No. C180613-03 shall further mean as follows:

Treatment Works Constructed Under EPA Project No. C180613-03

	<u>Total</u>	<u>Eligible for Grant Participation</u>	<u>Ineligible for Grant Participation</u>
Construction costs per bids			
Division A - sewer system rehabilitation	\$ 199,436	\$ 178,977	\$ 20,459